IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 227 OF 2006

IN

SUIT NO. 3455 OF 2005

Pankaj Mansukhlal Patel Prop.
Dharak Associates .....**Plffs.**
vs.
Dr. Yogesh C. Shah .....**Defnds.**

Jayesh Patel with Adv. Harish for plaintiffs.
Piyush Shah for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 27th February, 2006.

P.C. :.

1. Learned counsel for the defendant states that the plaintiff can take away his material which is lying at the site. Accordingly the plaintiff is permitted to take away the material from the site within one week from today. Before going to the site he will give 48 hours notice to the defendant.

2. In so far as various disputes and differences which are arising between the parties in the present suit is concerned by consent of the parties the said disputes are referred to arbitration of Justice, A.B. Palkar, Retired Judge of this court for its final resolution in accordance with the provisions of the Arbitration and Conciliation Act, 1996. All the disputes in the suit as well as the counter claim are referred to the said arbitrator. The arbitrator will consider the disputes between the parties and pass an award in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

3. Suit is accordingly disposed off by referring to the same for arbitration. The plaintiff will be entitled to court fees as per rules. In the light of the fact that the suit itself is disposed off Notice of Motion No.227 of 2006 does not survive. The same is dismissed as infructious.

4. All parties are at liberty to apply for further reliefs under the provisions of the Arbitration and Conciliation Act, 1996. The Arbitrator will hear and decide the matter as expeditiously as possible and in any event to be disposed off within a period of one year from today.

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